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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
AUG 18 2008
AUG 18 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

EARNEST WILSON,
Petitioner,

Case No. 01-CR-847

v.

08CV4682
JUDGE CASTILLO
MAG. KEYS

UNITED STATES OF AMERICA,
Respondent.

AFFIDAVIT OF EARNEST WILSON
IN SUPPORT OF VERIFIED PETITION

I, Earnest Wilson, duly sworn and states as follows:

- 1) That on February 11 2004, I filed with the Clerk of the District Court a Rule 60(a)(b-1) Motion requesting to withdraw from the plea and be remanded for trial based on breaches of the agreement, in case No. 01-CR-847.
- 2) That on April 16, 2004 District Court Judge Blanch M. Manning granted the motion filed on February 11, 2004, in full.
- 3) That on April 16, 2004 District Court Judge Blanch M. Manning vacated the Judgment and Commitment Order of March 28 2003, thereby voiding

the plea agreement in full.

- 4) That on April 16, 2004 District Court Judge Blanch M. Manning without lawful authority, or due process of law adjudicated Earnest Wilson to be guilty of Counts 1 and 2 of the superceding indictment in case No. 01-CR-847.
- 5) That on April 16, 2004 I did not enter a plea of guilt to the charges broughtforth in the superceding indictment under case No. 01-CR-847, nor did I authorize any attorney appointed or retained to enter a plea of guilt on my behalf.
- 6) That on April 16, 2004 I did not go to trial before the Bench, nor was I tried by a jury or found guilty as prescribed by law (p)eriod, in case No. 01-CR-847.
- 7) That on April 16, 2004 District Court Judge Blanche M. Manning, without lawful authority, or legal justification, or a valid finding of guilt in a Court of law, did impose an illegal and unlawful term of imprisonment of 180 months in the custody of the Federal Bureau of Prisons upon me.
- 8) That on April 16, 2004 District Court Judge Blanche M. Manning without lawful authority, or legal justification, or a valid finding of guilt in a Court of law, did include as a part of the illegally imposed term of imprisonment an illegally included term of Supervised Release of 5 years, in case No. 01-CR-847.
- 9) That on April 16, 2004 District Court Judge Blanche M. Manning without lawful authority, or legal justification, or a valid finding of guilt in a Court of law, did illegally impose a fine of \$100.00 upon Earnest Wilson, in case No. 01-CR-847.

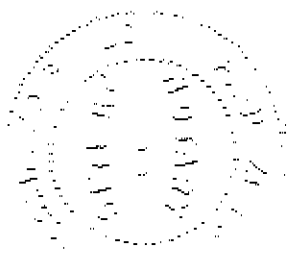
- 10) That on April 16, 2004 I, Earnest Wilson was not present before the Court when the verdict of guilt was imposed.
- 11) That on April 16, 2004 I, Earnest Wilson was not present before the Court when the sentence of 180 months was imposed.
- 12) That on April 16, 2004 I, Earnest Wilson was not present before the Court when the Court included the 5 years term of Supervised Release.
- 13) That on April 16, 2004 I, Earnest Wilson was not present before the Court when the Court imposed the \$100.00 fine.
- 14) That on April 16, 2004 District Court Judge Blanche M. Manning violated this Affiant's Fifth Amendment Right to Due Process by deeming him guilty without the benefit of the prescribed method set out in the Constitution and Laws of the United States.
- 15) That on April 16, 2004 District Court Judge Blanche M. Manning violated this Affiant's Sixth Amendment Right to a trial by jury when she sentenced this Affiant to the custody of the F.B.O.P. under an invalid verdict of guilt, without the benefit of a trial or plea of guilt, as set forth in the Constitution and Laws of the United States, including a fair and speedy trial.
- 16) That the record supports each and every claim made in this Affidavit beyond a reasonable doubt.
- 17) That this Affidavit is true and correct and must be taken as true until it is refuted with evidence to the contrary.
- 18) That since April 16, 2004 I, Earnest Wilson has been imprisoned in the custody of the Federal Bureau of Prisons under a false and unlawful Judgment and Commitment Order.
- 19) That I, Earnest Wilson should be immediately ordered released from the custody of the Federal Bureau of Prisons forthwith.

I, Earnest Wilson, certify under penalty of perjury that this Affidavit and statements contained herein, are true and correct to the best of my knowledge, understanding, and belief.

SUBMITTED BY

Earnest Wilson
EARNEST WILSON

AUGUST 13, 2008



State of Wisconsin/County of Adams

This document was signed before me at Oxford, Wisconsin, on August 13, 2008,
by Earnest Wilson, Reg. number 09673-026.

Paul Zills Paul Zills, Notary Public
My commission expires on March 27, 2011.